

(c) *FISCAL REPORT.*—Beginning with fiscal year 2004, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (b), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

#### SEC. 5. SUNSET.

The amendments made by section 3 shall not be in effect after October 1, 2008, and section 4 shall not be in effect after 120 days after such date.

Mr. KENNEDY. Mr. President, I support the Animal Drug User Fee Act, and I urge my colleagues to support it. The bill is based on the current user fee programs for prescription drugs and medical devices, which are an effective way to enable the Food and Drug Administration to reduce its backlog and expedite its review of needed new products and make them available more quickly, especially in this time of accelerated discoveries of new drugs and other medical products with great potential to improve all aspects of health care. The same basic principle of user fees should be available to assist FDA's review of applications for approval of animal drugs.

In 5 years, the time it takes for FDA to review new animal drugs should be cut in half under this legislation. By increasing the resources available for these reviews, the user fees will speed new treatments to market for pets and farm animals alike. FDA will provide detailed reports on the program and its results in helping the agency to meet its performance goals, so that Congress can evaluate how it has worked and whether improvements are necessary when we reauthorize the program in the future.

We will also be able to work closely with the agency in implementing its important new plan for evaluating the increasingly urgent concern that the use or overuse of certain drugs in animals can lead to dangerous drug-resistant strains of organism in humans.

I commend Chairman GREGG, Senator ENSIGN, and Senator HARKIN for their leadership on this legislation, and I look forward to working with them on these issues in the months ahead.

Mr. FRIST. I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE PLACED ON THE CALENDAR—S. 1832

Mr. FRIST. I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1832) entitled the "Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003."

Mr. FRIST. I object to further proceedings on the measure at this time.

The PRESIDING OFFICER. The objection is heard.

The bill will be placed on the calendar.

#### SENATE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, although we did not have any rollcall votes today, I do want to assure my colleagues we made progress on the Internet tax moratorium bill. I understand there are serious negotiations that are continuing and that we hope we can get an agreement on that legislation and finish it at the earliest time.

Earlier this week, we passed H.R. 3289, the Iraq-Afghanistan appropriations conference report, and that measure has now been signed into law by the President of the United States.

We also adopted the Agriculture appropriations bill, as well as the Interior appropriations conference report this week. The Interior appropriations bill will now be sent to the President for his signature.

Chairman SHELBY, working with many Members on both sides of the aisle, finished work on the fair credit reporting bill. The bill had overwhelming support, and it is expected that a conference report will return in short order.

This week the Senate also passed H.R. 3365, the military tax fairness bill. This bill, which is also called the Fallen Patriots Tax Relief Act, will assist members of our Armed Forces in providing some much needed clarity and fairness with respect to tax policy.

We also reauthorized, this week, the School Lunch and Child Nutrition Program. Chairman COCHRAN brought this bill to our attention, and we were able to act quickly. I mention it today to show that we continue to try to do our work efficiently and to make progress on a number of important issues. This bill cleared both sides and will become law. Senator COLLINS, as chairman of the Governmental Affairs Committee, cleared S. 589, the Homeland Security Federal Workforce Act. This bill will promote job retention in areas of national security by providing student loan payments.

These are just a few of the areas, and I think very good examples, where we can continue to work together in a collaborative way.

The remaining weeks of business will be difficult. There will be many contentious issues to address as we go forward. The American people clearly want us to get our work done. They expect us to get our work done.

As I mentioned earlier, we are aiming for this target date of November 21.

#### ORDERS FOR MONDAY, NOVEMBER 10, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 1 p.m., Monday, November 10. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of H.R. 2799, the Commerce-State-Justice appropriations bill, as provided under the previous order.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we feel part of the accomplishments of this Senate. But for our cooperation and hard work, we would not have accomplished as much as we have. Earlier in this week we did some very good things and we produced a lot of work.

We cannot undue what has been done—feelings hurt, feelings of concern—as to why we are in the present position, but it has happened. We cannot undue that, I guess.

But I say to the distinguished majority leader, it is too bad we are in this position because I really could see the light at the end of that tunnel. It is very blurred today.

I hope we can finish our work. There is so much we all have to do in our respective States. But I just want to tell the leader that the long list of work that we did was a joint accomplishment. I know the leader acknowledges that. I just hope, somehow, next week, with the 30 hours that have been placed in our path, we could still work our way through all this and be more productive than I see the time ahead of us.

The PRESIDING OFFICER. Without objection, the request is agreed to.

Mr. FRIST. Mr. President, before we close I need just a couple minutes in case we can do one more brief piece of business, and then we will close very shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that during an executive session beginning next Wednesday, each hour beginning on the hour of the executive session be equally divided between the two leaders or their designees and that any time not used by either side during the designated hour be given to the other side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding, just so there is no confusion, that this is no time agreement on

a specific nominee. We are just going to be talking about judges for that extended period of time.

Mr. FRIST. Mr. President, that is my understanding.

Mr. REID. No objection.

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#### PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, on Monday the Senate will begin debate on H.R. 2799, the Commerce-Justice-State appropriations bill. The bill managers will be here on Monday to work through any amendments to the bill. We will be debating and voting on amendments throughout the afternoon. Senators who have amendments are asked to contact the bill managers as soon as possible.

As you have heard, there are a number of other issues we will be addressing early next year. The Syria Accountability Act, the Military Construction appropriations conference report, the Department of Defense authorization conference report, the En-

ergy and Water appropriations conference report, and VA-HUD appropriations bill, as well as other items that are cleared for action.

We will be in session every day next week—Monday, Tuesday, Wednesday, Thursday, and Friday. We have a lot of business to do, and it requires that for us to complete the business.

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ADJOURNMENT UNTIL 1 P.M.,  
MONDAY, NOVEMBER 10, 2003

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:55 p.m., adjourned until Monday, November 10, 2003, at 1 p.m.

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#### NOMINATIONS

Executive nominations received by the Senate November 7, 2003:

##### NATIONAL SECURITY EDUCATION BOARD

KIRON KANINA SKINNER, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION

BOARD FOR A TERM OF FOUR YEARS, VICE HERSCHELLE S. CHALLENGER.

##### DEPARTMENT OF LABOR

STEVEN J. LAW, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF LABOR, VICE DONALD CAMERON FINDLAY, RESIGNED.

##### UNITED STATES INSTITUTE OF PEACE

J. ROBINSON WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2007, VICE MARC E. LELAND, TERM EXPIRED.

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#### CONFIRMATIONS

Executive nominations confirmed by the Senate November 7, 2003:

##### FEDERAL ENERGY REGULATORY COMMISSION

JOSEPH TIMOTHY KELLIHER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2007.

SUEDEEN G. KELLY, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2004.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.